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PART - VII

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATION

The 3rd March, 2009.

No.LL(B).3/2009/68:—The following Acts passed by the Parliament and assent by the President of India and Published in the Gazette of India Extra Ordinary, Part II Section I on the date indicated below is hereby republished for general information.

Sl. No.	Name of Act	Act No. and Year	Date of Publication in the Gazette of India
1.	The Drugs & Cosmetic (Amendment) Act, 2008.	Act No. 26 of 2008	5. 12. 2008
2.	The Unorganised worker Social Security Act, 2008.	Act No. 33 of 2008	31. 12. 2008

THE DRUGS AND COSMETIC (AMENDMENT) ACT 2008

AN

ACT

further to amend the Drugs and Cosmetic Act, 1940.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Drugs and Cosmetic (Amendment) Act, 2008.

*Short title and
commencement*

(2) It shall into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of the provision.

*Insertion of new
Section 17E.*

2. After Section 17D of the Drugs and Cosmetic Act, 1940 (hereinafter referred to as the principal Act), the following Section shall be inserted, namely,—

23 of 1940.

*Adulterated
cosmetics.*

“17E. For the purposes of this Chapter, a cosmetic shall be deemed to be adulterated,—

(a) if it consists in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if it contains any harmful or toxic substance which may render it injurious to health; or

(f) if any substance has been mixed therewith so as to reduce its quantity or strength.”.

*Amendment
of Section 18.*

3. In Section 18 of the principal Act, in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely,—

“(ii) any cosmetic which is not of a standard quality, or is misbranded, adulterated or spurious.”.

*Amendment
of Section 26A.*

4. In Section 26A of the principal Act, for the word “prohibit”, the word “regulate, restrict or prohibit” shall be substituted.

*Insertion of
new Section 26B.*

5. After Section 26A of the principal Act, the following section shall be inserted, namely,—

Power of Central Government to regulate or restrict, manufacture, etc., of drug in public interest.

Amendment of Section 27.

“26B. Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied that a drug is essential to meet the requirements of an emergency arising due to epidemic or natural calamities and that in the public interest, it is necessary or expedient so to do, then, that Government may, by notification in the Official Gazette, regulate or restrict the manufacture, sale or distribution of such drug.”.

6. In Section 27 of the principal Act,—

(i) in clause (a),—

(A) for the figures, letter and words “17B or which”, the figures, letter and words “17B and which” shall be substituted.

(B) for the words “punishable with imprisonment for a term which shall not be less than five years but which may extend to a term of life and with fine which shall not be less than ten thousand rupees;”; the words “punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than ten lakh rupees or three times value of the drugs confiscated, which ever is more;” shall be substituted.

(C) the following provisos shall be inserted, namely;—

“Provided that the fine imposed on and released from, the person convicted under this clause shall be paid, by way of compensation, to the person who had used the adulterated or spurious drugs referred to in this clause;

Provided further that where the use of the adulterated or spurious drugs referred to in this clause has caused the death of a person who used such drugs, the fine imposed on and realised from, the person convicted under this clause, shall be paid to the relative of the person who had died due to the use of the adulterated or spurious drugs to in this clause.

*Explanation,—*For the purposes of the second proviso, the expression “relative” means—

(i) spouse of the deceased person; or

(ii) a minor legitimate son, and unmarried legitimate daughter and a widowed mother; or

(iii) parent of the minor victim; or

(iv) if wholly dependent on the earnings of deceased person at the time of his death, a son or a daughter who has attained the age of eighteen years; or

(v) any person, if wholly or in part, dependent on the earnings of the deceased person at the time of his death,—

- (a) the parent; or
- (b) a minor brother or an unmarried sister; or
- (c) a widowed daughter-in-law; or
- (d) a widowed sister; or
- (e) a minor child of a pre-deceased son; or
- (f) a minor child of a pre-deceased daughter where no parent of the child is alive; or
- (g) the paternal grandparent if no parent of the member is alive;";

(ii) in clause (b),—

(A) for the words "not be less than one year but which may extend to three years and with fine which shall not be less than five thousand rupees", the word "not be less than three years but which may extend to five years and with fine which shall not be less than one lakh rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

(B) in the proviso, for the words "less than one year and of fine of less than five thousand rupees", the words "less than three years and of fine of less than one lakh rupees" shall be substituted;

(iii) in clause (c),—

(A) for the words "not be less than three years but which may extend to five years and with fine which shall be less than five thousand rupees", the words "not less than seven years but which may extend to imprisonment for life and with fine which shall not be three lakh rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

(B) in the proviso, for the words "less than three years but not less than one year", the words "less than seven years but not less than three years and of fine of less than one lakh rupees" shall be substituted;

(iv) in clause (d), for the words "and with fine", the words "and fine which shall not be less than twenty thousand rupees" shall be substituted.

*Amendment
of Section 27A*

7. In section 27A of the principal Act, for clause (i) and (ii) the following clauses shall be substituted, namely,—

(i) any cosmetic deemed to be spurious under Section 17D or adulterated under Section 17E shall be punishable with imprisonment for a term which may extend to three years and with fine which shall not be less than fifty thousand rupees or three times the value of the cosmetic confiscated, whichever is more;

(ii) and cosmetic other than a cosmetic referred to in clause (i) in contravention of any provisions of this Chapter or any rule made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty rupees, or with both."

*Amendment
of Section 28.*

8. In Section 28 of the principal Act, for the words "with fine which may extend to one thousand rupees or with both", the words "with fine which shall not be less than twenty thousand rupees or with both" shall be substituted.

*Amendment
of Section 28A.*

9. In Section 28A of the principal Act, for the words “with fine which may extend to one thousand rupees or with both”, the words “with fine which shall not be less than twenty thousand rupees or with both” shall be substituted.

*Amendment
of Section 29.*

10. In Section 29 of the principal Act, for the word “five hundred rupees”, the words “five thousand rupees” shall be substituted.

*Amendment
of Section 30.*

11. In Section 30 of the principal Act,—

(a) in sub-section (1),

(i) in clause (a),—

(A) for the words “not be less than two years but which may extend to six years and with fine which shall not be less than ten thousand rupees”, the words “not be less than seven years but which may extend to ten years and with fine which shall not be less than two lakh rupees” shall be substituted;

(B) in the proviso, for the words “less than two years and of fine of less than ten thousand rupees”, the words “less than seven years and of fine of less than one lakh rupees” shall be substituted;

(ii) in clause (b), for the word “shall not be less than six years but which may extend to ten years and with fine which shall not be less than ten thousand rupees”, the words “shall not be less than ten years but which may extend to imprisonment for life and with fine which shall not be less than three lakh rupees” shall be substituted;

(iii) in clause (c), for the words “five thousand rupees”, the words fifty thousand rupees” shall be substituted;

(b) in sub-section (2), for the words “ten years, or with fine, or with both”, the words “two years, or with fine which shall not be less than ten thousand rupees or with both” shall be substituted.

*Amendment
of Section 32.*

12. In Section 32 of the principal Act, for sub-sections (1), and (2) the following sub-section shall be substituted, namely:—

“(1) No prosecution under this Chapter shall be instituted except by—

(a) an Inspector; or

(b) any gazetted officer of the Central Government or a State Government authorised in writing in this behalf by the Central Government or a State Government by a general or special order make in this behalf by that Government; or

(c) the person aggrieved; or

(d) a recognised consumer association whether such person is a member of that association or not.

(2) Save as otherwise provided in this Act, no court inferior to that of a Court of Session shall try an offence punishable under this Chapter.”.

13. After Section 32A of the principal Act, the following Section shall be inserted, namely,—

*Insertion of new
Section 32B.*

2 of 1974.

“32B. (1) Notwithstanding anything contained in the Code or Criminal Procedure, 1973, any offence punishable under clause (b) of sub-section (1) of Section 13, Section 28 and Section 28A of this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by the Central Government or by any State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for credit to that Government of such sum as the Government may, by rules made in this behalf, specify:

*Compounding of
certain offences*

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded:

Provided further that in cases of subsequent offences, the same shall not be compoundable.

(2) When the accused has been committed for trial or when he has been convicted and an appeal is pending,

(3) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith.”.

14. In Section 33 of the Principal Act, in sub-section (2),—

*Amendment of
Section 33*

(i) after clause (dd), the following clause shall be inserted namely,—

“(dda) prescribed under clause (d) of Section 17E the colour or colours which a cosmetic may bear or contain for the purposes of colouring;”;

(ii) in clause (p), the word “and” occurring at the end shall be omitted

(iii) in clause (q), the word “ and shall be inserted at the end;

(iv) after clause (q), the following clause shall be inserted, namely,—

“(r) sum which may be specified by the Central Government under Section 32B.”.

15. In In Section 33-1 of the principal Act,—

*Amendment of
Section 33-1.*

(a) in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) any Ayurvedic, Siddha or Unani drug—

(i) deemed to be misbranded under Section 33E,

(ii) deemed to be adulterated under Section 33E, or

(iii) without a valid licence or in violation of any of the conditions thereof, as required under Section 33 EEC, shall be punishable with imprisonment for a term which may extend to one year and with fine which shall not be less than twenty thousand rupees or three times the value of the drugs confiscated, whichever is more;”;

(ii) in clause (b), for the words “five thousand rupees”, occurring at both the place, the words “fifty thousand rupees or three times the value of the drugs confiscated, whichever is more” shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely:—

“(c) any Ayurvedic, Siddha or Unani drug in contravention of the provisions of any notification issued under Section 33EED shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees or three times the value of the drugs confiscated, whichever is more.”;

(b) in sub-section (2), for the words “three months and with fine which shall not be less than five hundred rupees”, the words “six months and with fine shall not be less than ten thousand rupees” shall be substituted.

*Amendment
of Section 33 J.*

16. In Section 33J of the Principal Act,—

(a) in clause (a), for the words “two thousand rupees”, the words “fifty thousand rupees or three times the value of the drugs confiscated, whichever is more” shall be substituted;

(b) in clause (b), for the words “five thousand rupees” occurring at both the places, the words “one lakh rupees or three times the value of the drugs confiscated, whichever is more” shall be substituted;

(c) in clause (c), for the words “six months and with fine which shall not be less than one thousand rupees”, the words “one year and with fine which shall not be less than twenty thousand rupees or three times the value of the drugs confiscated, whichever is more” shall be substituted.

*Insertion of new
sections 33KA and
33KB.*

17. After Section 33K of the Principal Act, the following sections shall be inserted, namely,—

*Disclosure of name of
manufacturew, etc.*

“33KA. Every person, not being the manufacturer of any Ayurvedic, Siddha or Unani drug or his agent for the distribution thereof, if so required, disclose to the Inspector the name, address and other particulars of the person from whom he acquired the Ayurvedic, Siddha or Unani drug.

*Maintenance
of records and furnishing
of information.*

“33KB. Every person holding a licence under clause (c) of Section 33EEC shall keep and maintain such records, registers and other documents as may be prescribed and shall furnish to any officer or authority exercising any power or discharging any function under this Act such information as is required by such officer or authority for carrying out the purposes of this Act.”.

Amendment of Section
33N.

18. In Section 33N of the Principal Act, in sub-section (2),—

(i) in clause (gga), the word “and” occurring at the end shall be omitted,—

(ii) after clause (gga), the following clause shall be inserted, namely,—

“(ggb) prescribed the records, registers or other documents to be kept and maintained under Section 33KB; and”.

Amendment of Section
36A.

19. In Section 36A of the principal Act, for the words “all offences under this Act”, the words, brackets, figures and letters “all offence (except the offences triable by the Special Court under Section 36AB or Court of Session) under this Act” shall be substituted.

20. After Section 36A of the Principal Act, the following Sections shall be inserted, namely:—

*Insertion of new
sections 36AB,
36AC, 36AD and
36AE.*

Special Courts.

‘36AB.(1) The Central Government or the State Government, in consultation with the Chief Justice of the High Court, shall, for trial of offences relating to adulterated drugs or spurious drugs and punishable under clauses (a) and (b) of section 13, sub-section (3) of Section 22, clauses (a) and (c) of Section 27, Section 27, Section 28, Section 28A, Section 28B and clause (b) of sub-section (1) of section 30 and other offences relating to adulterated drugs or spurious drugs, by notification, designate one or more Courts of Session as a Special Courts for such area or areas or for such case or class or group of cases as may be specified in the notification.

Explanation.—In this sub-section, “High Court” means the High Court of the State in which a Court of Session designated as Special Court was functioning immediately before such designation.

2 of 1974.

(2) While trying an offence under this Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

2 of 1974.

“36AC. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

*Offences to be
cognizable and
non-bailable in
certain cases.*

(a) every offence, relating to adulterated or spurious drug and punishable under clauses (a) and (c) of sub-section (1) of Section 13, clause (a) of sub-section (2) of Section 13, sub-section (3) of Section 22, clauses (a) and (c) of Section 27, Section 28, Section 28A, Section 28B and sub-sections (1) and (2) of Section 30 and other offences relating to adulterated drugs or spurious drugs, shall be cognizable.

(b) no person accused, of an offence punishable under clauses (a) and (c) of sub-section (1) of Section 13, clause (a) of sub-section (2) of Section 13, sub-section (3) of Section 22, clauses (a) and (c) of Section 27, 28, Section 28A, Section 28B and sub-sections (1) and (2) of Section 30 and other offences relating to adulterated drugs or spurious drugs, shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person, who, is under the age of sixteen years, or is a woman or is sick or infirm, may be released on bail, if the Special Court so directs.

2 of 1974.

(2) The limitation on granting of bail specified in clause (b) of sub-section (1) is in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force on granting of bail.

2 of 1974.

(3) Nothing contained in this Section shall be deemed to affect the special powers of the High Court regarding bail under Section 439 of the Code of Criminal Procedure, 1973 and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that Section as if the reference to "Magistrate" in that Section includes also a reference to a "Special Court" designated under 36AB.

Application of Code of Criminal Procedure, 1973 to proceedings before Special Court.

36AD. (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions, as to bails or bond), shall apply to the proceedings before a Special Court and for the purpose of said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting the prosecution before the Special Court, shall be deemed to be a Public Prosecutor:

2 of 1974.

Provided that the Central Government or the State Government may also appoint, for any case or class or group of cases, a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an advocate for not less than seven years, under the Union or State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of Section 2 of the Code of Criminal Procedure, 1973 and the provisions of the Code shall have effect accordingly.

2 of 1974.

Appeal and revision.

36AE. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapter XXIX or Chapter XXX of the Code of Criminal Procedure, 1973, on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.'

2 of 1974.

**THE UNORGANISED WORKERS' SOCIAL SECURITY
ACT, 2008**

AS PASSED BY THE PARLIAMENT

AN

ACT

*to provide for the social security and welfare of unorganised workers and
for other matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India
as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Unorganised Worker' Social Security Act, 2008.

*Short title, extent
and
commencement.*

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “employer” means a person or an association of persons, who has engaged or employed an unorganised worker either directly or otherwise for remuneration;

(b) “home -based worker” means a person engaged in the production of goods or services for an employer in his or her home or other premises of his or her choice other than the work place of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;

(c) “identity card” means a card, document or certificate issued to an unorganised worker by the District Administration under-section (3) of Section 10;

(d) “National Board” means the National Social Security Board for unorganised workers constituted under sub-section (1) of Section 5;

(e) “notification” means a notification published in the Official Gazette;

(f) “organised sector” means an enterprise which is not an unorganised sector;

(g) “prescribed” means prescribed by rules made under this Act by the Central Government or the State Government, as the case may be;

(h) “registered worker” means an unorganised worker registered under sub-section (3) of Section 10;

(i) "Schedule" means the Schedule annexed to the Act;

(j) "State Board" means the (name of the State) State Social Security Board for unorganised workers constituted under sub-section (1) of Section 6:

(k) "self - employed worker" means any person who is not employed by an employer, but engages himself or herself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;

(l) "unorganised sector" means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;

(m) "unorganised worker" means a home -based worker, self -employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule II to this Act; and

(n) "wage worker" means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home -based worker, or as a temporary or casual worker, or as migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be.

CHAPTER II

SOCIAL SECURITY BENEFITS

Framing of s Scheme

3. (1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganised workers on matters relating to—

- (a) life and disability cover;
- (b) health and maternity benefits;
- (c) old age protection; and

(d) any other benefit as may be determined by the Central Government.

(2) The schemes included in the Schedule 1 to this Act shall be deemed to be the welfare schemes under sub-section (1)

(3) The Central Government may, by notification, amend the Schedules annexed to this Act.

(4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to—

- (a) provident fund;
- (b) employment injury benefit;
- (c) housing;
- (d) educational schemes for children;
- (e) skill upgradation of workers;
- (f) funeral assistance; and
- (g) old age homes.

4. (1) Any schemes notified by the Central Government may be—

*Funding of Central
Government
Schemes.*

- (i) wholly funded by the Central Government; or
- (ii) partly funded by the Central Government and partly funded by the State Government; or
- (iii) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the schemes or the employers as may be prescribed in the scheme by the Central Government.

(2) Every scheme notified by the Central Government shall provide for such matters that are necessary for efficient implementation of the scheme including the matters relating to,—

- (i) scope of the scheme;
- (ii) beneficiaries of the scheme;
- (iii) resources of the scheme;
- (iv) agency or agencies that will implement the scheme;
- (v) redressal of grievances; and
- (vi) any other relevant matter.

CHAPTER III

NATIONAL SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

5. (1) The Central Government shall, by notification, constitute a National Board to be known as the National Social Security Board to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

*National Social
Security Board.*

(2) The National Board shall consist of the following members, namely:—

- (a) Union Minister for Labour and Employment—Chairperson, *ex officio*;
- (b) the Director General (Labour Welfare)—Member-Secretary, *ex officio*; and
- (c) thirty-four members to be nominated by the Central Government, out of whom—

- (i) seven representing unorganised sector workers;
- (ii) seven representing employers of unorganised sector;
- (iii) seven representing eminent persons from civil society;
- (iv) two representing members from Lok Sabha and one Rajya Sabha;
- (v) five representing Central Government Ministries and Departments concerned; and.
- (vi) five representing State Governments.

(3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the National Board shall be such as may be prescribed:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

(5) The term of the National Board shall be three years.

(6) The National Board shall meet at least thrice a year, at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.

(7) The members may receive such allowances as may be prescribed for attending the meetings of the National Board.

(8) The National Board shall perform the following function, namely,—

(a) recommend to the Central Government in formulating suitable schemes for different sections of unorganised workers;

(b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;

(c) monitor such social welfare schemes for unorganised workers as are administered by the Central Government;

(d) review the progress of registration and issue of identity cards to the unorganised workers;

(e) review the record keeping functions performed at the State level;

(f) review the expenditure from the funds under various schemes; and

(g) undertake such other functions as are assigned to it by the Central Government from time to time.

CHAPTER IV

STATE SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

*State Social
Security Board.*

6. (1) Every State Government shall, by notification, constitute a State Board to be known as (name of the State) State Social Security Board to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The State Board shall consist of the following members, namely:—

(a) Minister of Labour and Employment of the concerned State—Chairperson, *ex officio*;

(b) the Principal Secretary or Secretary (Labour) Member Secretary, *ex officio*; and

(c) twenty -eight members to be nominated by the State Government, out of whom—

(i) seven representing the unorganised workers;

(ii) seven representing employers of unorganised workers;

(iii) two representing members of Legislative Assembly of the concerned State;

(iv) five representing eminent persons from civil society; and

(v) seven representing State Government Departments concerned.

(3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the State Board shall be such as may be prescribed.

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

(5) The term of the State Board shall be three years.

(6) The State Board shall meet atleast once in a quarter at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.

(7) The members may receive such allowances as may be prescribed for attending the meetings of the State Board.

(8) The State Board shall perform the following functions, namely:—

(a) recommend the State Government in formulating suitable schemes for different sections of the unorganised sector workers;

(b) advise the State Government on such matters arising out of the administration of this Act as may be referred to it;

(c) monitor such social welfare schemes for unorganised workers as are administered by the State Government;

(d) review the record keeping functions performed at the District level;

(e) review the progress of registration and issue of cards to unorganised sector workers;

(f) review the expenditure from the funds under various schemes; and

(g) undertake such other functions as are assigned to it by the State Government from time to time.

7. (1) Any schemes notified by the State Government may be—

(i) wholly funded by the State Government; or

(ii) partly funded by the State Government, partly funded through contributions collected from the beneficiaries of the schemes or the employers as may be prescribed in the schemes by the State Government.

(2) The State Government may seek financial assistance from the Central Government for the schemes formulated by it.

(3) The Central Government may provide such financial assistance to the State Government for the purpose of schemes for such terms and conditions as it may deem fit.

Funding of State Government Schemes.

Record keeping by District Administration.

8. The record keeping functions for the purpose of this Act shall be performed by the District Administration:

Provided that the State Government may direct that the record keeping function shall be performed by—

(a) the District Panchayat in rural areas; and

(b) the Urban Local Bodies in urban areas.

Workers facilitation centres.

9. The State Government may set up such Workers' facilitation centres as may be considered necessary from time to time to perform the following functions, namely:—

(a) disseminate information on available social security schemes for the unorganised workers;

(b) facilitate the filling, processing and forwarding of application forms for registration of unorganised workers;

(c) assist unorganised worker to obtain registration from the District Administration;

(d) facilitate the enrollment of the registered unorganised workers in social security schemes.

CHAPTER V

REGISTRATION

Eligibility for registration and social security benefits.

10. (1) Every unorganised workers shall be eligible for registration subject to the fulfillment of the following conditions, namely:—

(a) he or she shall have completed fourteen years of age; and

(b) a self -declaration by him or her confirming that he or she is an unorganised worker.

(2) Every eligible unorganised worker shall make an application in the prescribed form to the District Administration for registration.

(3) Every unorganised worker shall be registered and issued an identity card by the District Administration which shall be a smart card carrying an unique identification number and shall be portable.

(4) If a scheme requires a registered unorganised worker to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such contribution.

(5) Where a scheme requires the Central or State Government to make a contribution, the Central or State Government, as the case may be, shall make the contribution regularly in terms of the schemes.

CHAPTER VI

MISCELLANEOUS

Power of Central Government to give directions.

11. The Central Government may give directions to—

(i) the National Board; or

(ii) the Government of a State or the Board of that State, in respect of matter relating to the implementation of the provisions of this Act.

Vacancies, etc., not to invalidate proceedings. Power to make rules by Central Government.

12. No proceedings of the National Board or any State Board shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the National Board or, as the case may be, the State Board.

13. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) in particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 4;

(b) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of, the National Board under sub-section (4) of Section 5;

(c) the rules of procedure relating to the transaction of the business at the meeting of the National Board under sub-section (6) of section 5;

(d) the allowances for attending the meetings of the National Board State under sub-section (7) of Section 5;

(e) the form for making an application for registration under sub-section (2) of section 10; and

(f) any other matter which is required to be, or may be, prescribed.

14. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules by State Government.

(2) in particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of the State Board under sub-section (4) of section 6;

(b) the rules of procedure relating to the transaction of business at the meetings of the State Board under sub-section (6) of section 6;

(c) the allowances for attending the meetings of the State Board under sub-section (7) of section 6;

(d) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 7;

(e) the form in which the application for registration shall be made under sub-section (2) of section 10; and

(f) any other matter which is required to be, or may be, prescribed.

15. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modification form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of rules.

(2) Every rule made under this Act by State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

16. Nothing contained in this Act shall effect the operation of any corresponding law in a State providing welfare schemes which are more beneficial to the unorganised workers than those provided for them by or under this Act.

Saving of certain laws.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

SCHEDULE I

[See Section 2 (i) and (3)]

SOCIAL SECURITY SCHEMES FOR THE UNORGANISED WORKERS.

Sl. No.	Name of the Scheme
1.	Indira Gandhi National Old Age Pension Scheme.
2.	National Family Benefit Scheme.
3.	Janani Suraksha Yojana.
4.	Handloom Weavers' Comprehensive Welfare Scheme.
5.	Handicraft Artisans' Comprehensive Welfare Scheme.
6.	Pension to Master craft persons.
7.	National Scheme for Welfare of Fishermen and Training and Extension.
8.	Janshree Bima Yojana.
9.	Aam Admi Bima Yojana.
10.	Rashtriya Swasthya Bima Yojana.

SCHEDULE II

[See Section 2(m)]

Sl. No.	Name of the Act
1.	The Worker's Compensation Act, 1923 (8 of 1923).
2.	The Industrial Disputes Act, 1947 (14 of 1947).
3.	The Employees, State Insurance Act, 1948 (34 of 1948).
4.	The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
5.	The Maternity Benefit Act, 1961 (53 of 1961).
6.	The Payment of Gratuity Act, 1972 (39 of 1972).

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